

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEMPHIS MEATS, INC.,
Plaintiff,
v.
NAPAT TANDIKUL,
Defendant

Case No. 21-cv-3072-YGR

**ORDER REQUIRING COUNSEL OF RECORD
TO SUBMIT FURTHER INFORMATION RE:
WITHDRAWAL OF COUNSEL FOR
DEFENDANT**

Dkt. No. 39

16 The Court has received the motion of defendant's counsel ("Counsel") to withdraw from
17 representation of Defendant Napat Tandikul ("the Client") in the above-captioned action, along
18 with the accompanying declaration and plaintiff's objection thereto. (Dkt. Nos. 39, 41, and 42.)
19 The hearing on such motion is currently set for September 21, 2021.

20 Plaintiff's objection does not persuade, especially given the criminal overlay and the firing
21 of the law firm. While clearly more convenient, plaintiff's preferences do not control the legal
22 basis for granting the motion. That litigating this case will become more difficult is not a basis for
23 denying the motion. Accordingly, the Court tentatively grants the motion but **ORDERS** (i)
24 defendant to acquire counsel or be subject to the striking of her answer if she fails to prosecute this
25 case and (ii) counsel to submit further information. Thus:

26 1. By no later than **September 20, 2021**, Counsel shall file a supplemental declaration
27 indicating that Counsel has: (1) spoken directly with the Client, telephonically or in person by
28 video, about the case generally and the status of the proceedings, including the date of such

1 communication or, if Client is not responsive, how Counsel has transmitted such information to
2 the Client; and (2) discussed with the Client the delivery of any legal files to the Client and other
3 consequences of Counsel's withdrawal in this matter. Counsel shall file a notice with the Court of
4 Client's current and/or last known address, telephone number, and email address.

5 2. By no later than **September 20, 2021**, Counsel shall also file proof of service of a
6 notice to the Client as follows:

7 **NOTICE**

8 You are ordered by the Court to obtain counsel in the United States by October
9 22, 2021 to facilitate resolution of this case. New counsel shall file a notice of
10 appearance on or before that date. If you fail to obtain new counsel, and you
fail to participate actively in this case, the Court will consider **Striking your
Answer**.

11 If you do not have a new attorney to represent you in this action or proceeding,
12 you will be representing yourself. It will be your responsibility to comply with
13 all court rules and applicable laws. **If you fail to do so, or fail to appear at
hearings, action may be taken against you. You may lose your case.**

14 If you do not keep the Court and other parties informed of your current address
15 (physical and email) and telephone number, they will not be able to send you
16 notices of actions that may affect you, including actions that **may adversely
affect your interests or result in your losing your case**.

17 Should Counsel fail to comply with the above requirements, the Court may deny the
18 motion to withdraw.¹

19 **IT IS SO ORDERED.**

20 Dated: September 14, 2021

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

1 The Court has determined that the motion is appropriate for decision without oral
argument, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. *See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 728-29
(9th Cir. 1991). Accordingly, the Court VACATES the hearing set for September 21, 2021.